

REMARKS

Claims 1-21 and 23-45 are pending in this application after this Amendment. Claims 1, 9-11, 16, 18-19, 27-29, and 40-45 are independent. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner provided new grounds of rejection and rejected claims 1-6, 9-13, 16-19, 20, 21, and 23-32 under 35 U.S.C. §102(b) as being anticipated by Schmandt (Audio Hallway: a Virtual Acoustic Environment for Browsing); and rejected claims 7, 8, 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over Schmandt in view of Evans ("Mapping an Auditory Space on a Graphical User Interface"). Applicants respectfully traverse these rejections.

Claim Rejections - 35 U.S.C. § 102(b) - Schmandt

In support of the outstanding rejections, the Examiner asserts that Schmandt teaches time-controlling a position of a plurality of sounds independently, citing to Fig. 2, page 166, Figs. 3-4, and pages 166-167. Applicants respectfully disagree with the Examiner's characterization of this reference.

The disclosure of Schmandt is directed to an audio Hallway, a virtual acoustic environment for browsing collections of related audio files. The user travels up and down the Hallway by head motion, passing "rooms" alternately on the left and right sides.

"Braided audio" emanates from each room, which acoustically indicates the contents of the room. Each room represents a broadcast radio news story, and the contents are a collection of individual "sound bites" or actualities related to the story. Upon entering a room, the individual sounds comprising that story are arrayed spatially in front of the listener, with auditory focus controlled by head rotation (Abstract).

Schmandt further provides that the text associated with each actuality includes a summary description and an actual transcript, and this combination facilitates text-based clustering. However, the listener hears only the actual sound, and each sound is not necessarily clearly associated with a topic (page 166, col., 1, lines 35-39).

However, the present invention as set forth in claim 1 provides for an information selection method that allows a user to select desired information from a plurality of information represented by sounds. The method includes storing an association between each of a plurality of information and at least one sound and time-controlling a position of each sound independently. Applicants respectfully submit that Schmandt fails to teach either of these claim elements, and thus, fails to anticipate the present invention.

Additionally, on page 167 in the section entitled "Rooms", Schmandt teaches, upon the user's entry into the room, the user is

presented with all of the audio, typically six to twenty individual files, arrayed in front of his or her head. Up to four of these files play simultaneously, based on the angle of rotation of the head in the ground plane. Sounds play simultaneously to facilitate browsing, as the listener can simply change attention between them without any need for additional head motion, and the fading in and out of neighboring sounds with head rotation again helps convey the spatial model of an ordered array of sounds about the user's head. The sound position is directly coupled with the head position. However, there is no teaching or suggestion in Schmandt that is directed to time-controlling a position of each sound independently as provided in claim 1. As such, Schmandt fails to teach or suggest all of the claimed elements as provided in claim 1 and, thus, claim 1 is not anticipated by Schmandt.

It is respectfully submitted that claims dependent on claim 1 are allowable for the reasons noted above based on their dependency on an allowable claim. It is further respectfully submitted that claims 9-10 and 29 contain elements similar to those discussed above with regard to claim 1 and, thus, these claims are allowable based upon the reasons set forth above with regard to claim 1.

With regard to the Examiner's rejection of claim 11, the Examiner does not provide any specific indication as to what portion of the Schmandt reference he is relying on to teach "means for sequentially switching the plurality of information sources as

audio information and presenting the audio information by the sound source" as recited in claim 11.

As noted above, Schmandt provides for a user being presented with all of the audio arrayed in front of his or her head. Up to four of the files can be played simultaneously based on the angle of rotation of the head in the ground plane. By the user rotating his head, the user can bring a single sound into focus and can also scan sounds. However, there is no teaching or suggestion that Schmandt teaches means for sequentially switching the plurality of information sources as audio information as recited in claim 11. As such, it is respectfully submitted that claim 11 is not anticipated by Schmandt.

It is respectfully submitted that claims dependent on claim 11 are allowable for the reasons set forth above with regard to claim 11 at least based upon their dependency on claim 11. It is further respectfully submitted that claims 16 and 18-19 contain elements similar to those discussed above with regard to claim 11 and, thus, these claims, together with claims dependent thereon, are not anticipated by Schmandt.

With regard to the Examiner's rejection of claim 27, the Examiner appears to assert that Schmandt teaches this element by noting that the virtual positioning of the rooms along the hallway and the positioning of the subject related materials within each virtual room provide for Schmandt inherently teaching "modifying a

presentation status according to a property of the audio information to be presented" as provided in claim 27. Applicants respectfully disagree with the Examiner's assertions.

Again, as noted above, Schmandt teaches that as the user's head rotates, a virtual lens moves across the audio sources so that a small movement of the head results in a greater, distorted movement of the sources. As evidenced in Figs. 5 and 6, as the user moves his head, it allows the user to bring a single sound into focus and also scan the sounds fairly rapidly. This result is based upon the user's movement of the head, not according to a property of the audio information as recited in claim 27. As such, it is respectfully submitted that Schmandt fails to anticipate the invention of claim 27.

It is respectfully submitted that claim 28 contains elements similar to those discussed above with regard to claim 27 and, thus, claim 28 is allowable for the reasons set forth above with regard to claim 27.

With regard to the Examiner's rejection of claim 17, there is no indication by the Examiner in the outstanding Official Action that identifies what portion of the reference the Examiner is relying upon to teach or suggest gradually narrowing down information out from categorized information sources by repeatedly employing the first and second steps. Schmandt provides for a user to select one topic from an audio hallway. There is no teaching or

suggestion in Schmandt that allows a user to select additional information once he has entered a room in order to narrow down desired information. If the Examiner maintains his rejection of this claim, it is respectfully requested that the Examiner provide a detailed explanation of what portion of the reference he is relying upon to teach this element in a new, non-final Official Action.

It is respectfully submitted that new claims 33-39 contain elements similar to those discussed above with regard to claim 17 and, thus, these claims are allowable over the references as cited by the Examiner.

Additionally, by this Amendment, Applicants have added new claims 40-45. These claims contain elements similar to those discussed above at least with regard to claims 1, 11, or 27, and thus, these claims are allowable for the reasons noted above.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicants respectfully petition for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the

amount of \$110.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Terrell C. Birch #19,382

b
TCB/CMV/jdm
0033-0639P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

(Rev. 02/12/2004)